

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

FRANK J. LAENEN, and	)	
JENNIFER R. LAENEN,	)	No. ED100672
	)	
Appellants,	)	Appeal from the Circuit Court
	)	of Franklin County
vs.	)	
	)	Honorable David L. Hoven
BETH A. LAENEN,	)	
	)	
Respondent.	)	FILED: September 16, 2014

Appellant Jennifer Laenen (“Jennifer”) appeals from the judgment of the Circuit Court of Franklin County ordering the entry of a Qualified Domestic Relations Order (“QDRO”) affecting the pension of Jennifer’s deceased husband, Frank Laenen (“Frank”). The QDRO recognized the right of Beth Laenen (“Beth”), Frank’s former spouse, to receive a portion of Frank’s pension pursuant to a separation agreement incorporated into Beth and Frank’s marriage dissolution decree. On appeal, Jennifer contends that the trial court lacked authority to enter the QDRO because Frank died before the trial court entered the QDRO. Jennifer further asserts that the separation agreement contained no terms evidencing the parties’ intention that the separation agreement be considered a QDRO, and that the QDRO improperly modifies the terms of the separation agreement by awarding Beth an interest in Frank’s pension that differs from the interest granted her in the separation agreement.

**AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.**

Division III holds: Section 452.330.5 RSMo authorized the trial court to enter a QDRO to effectuate the terms of the dissolution decree previously entered. However, when the trial court substantively modified the language of the QDRO from the terms of the dissolution decree previously entered, it did so in violation of Section 452.330.5. Accordingly, we reverse and remand with instructions to the trial court to enter an amended QDRO consistent with the terms of the dissolution decree.

Opinion by: Kurt S. Odenwald, P.J., Robert G. Dowd, Jr., J. and Gary M. Gaertner, Jr., J. Concur.

Attorney for Appellant: Michael H. Izsak and James J. Lang

Attorney for Respondent: Ryan J. Helfrich

<p><b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b></p>
---